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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

IN RE CLAIM OF MDE

MC 08-9261

OPINION AND
ORDER

PAPAK, Magistrate Judge:

This miscellaneous action has been filed in connection with the dispute between claimant M.D.E. and respondent the Archdiocese of Portland in Oregon (the "Archdiocese") and the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *In re Roman Catholic Archbishop of Portland* ["RCAP"], 04-37154. This court has jurisdiction over claimant's action pursuant to 28 U.S.C. § 1334(b) based on the relatedness of these proceedings to *RCAP*, a case arising under Title 11 of the United States Code. Specifically, this action is subject to provisions of the Plan which set a \$20 million cap on the total funds available to pay all claims made against the Archdiocese through 2023.

Before the court is the Archdiocese's unopposed request for approval of the settlement of

the parties' dispute and for approval of payment to M.D.E. from the future claims trust (#1). For the reasons set forth below, the request is granted and the settlement is approved.

The parties underwent mediation of their dispute on October 9 and 31, 2008, and subsequently reported that they had reached a settlement agreement. Under the terms of the reported settlement, M.D.E. will receive \$150,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to M.D.E. out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archdiocese, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On November 7, 2008, the Archdiocese served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed December 1, 2008. No objection to the proposed settlement has been filed.

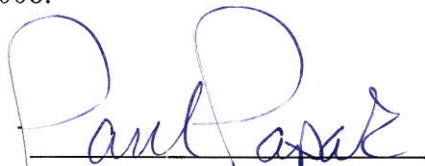
In the absence of objection by any interested party, and in consideration of the size of the payments at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. The Archdiocese's request is therefore granted, and the parties' settlement approved.

CONCLUSION

For the reasons set forth above, the request to approve the settlement of the dispute

between claimant M.D.E. and respondent the Archdiocese and to approve payment from the future claims trust is granted, the settlement agreed to by the parties is approved, and payment of \$150,000 to claimant M.D.E. from the future claims trust is authorized.

Dated this 2nd day of December, 2008.



Honorable Paul Papak
United States Magistrate Judge